

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:12-cr-00015-RLY-CMM
)	
)	
JAMAR BOYD,)	-02
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 14, 2018, the Court held an initial hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on May 24, 2018. Jamar Boyd (“Defendant”) appeared in person with FCD counsel, Michael Donahoe. The government appeared by Lauren Wheatley, Assistant United States Attorney, via telephone. U. S. Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant admitted Violation Nos. 1-3.

[Docket No. 85.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1 "The defendant shall not commit another federal, state or local crime."

On May 22, 2018, the offender was arrested and charged in Vanderburgh County Circuit Court Case No. 82C01-1805-MC-1519, with Conspiracy to Deal Cocaine between 10 and 28 Grams with Enhancements, Possession of Cocaine, and Visiting a Common Nuisance.

2 "The defendant shall not unlawfully possess a controlled substance."

According to the Probable Cause Affidavit noted above, cocaine was found in the offender's pocket on May 22, 2018.

3 "The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered."

According to the Probable Cause Affidavit noted above, the offender was arrested at 1613 Rheinhardt Avenue, a residence authorities had been conducting surveillance on for weeks due to complaints a drug dealing. Authorities also received information that individuals had made drug deals in the residence. A search of the residence by the Evansville Police Department revealed numerous illegal substances including cocaine, methamphetamine, heroin, and synthetic marijuana, all separated in individual baggies, as well as digital scales. These items are common for dealing drugs. The offender was located in this residence.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **IV**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **12 to 18** months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for twelve (12) months and one (1) day, with three (3) years of supervised release to follow.

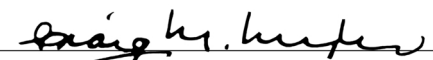
6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

- (a) The Defendant violated the conditions in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day, with three (3) years of supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Court recommends to the Bureau of Prisons placement at Marion, Illinois or Manchester, KY.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have 14 days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: September 14, 2018


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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